

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Kazuo YAMAMOTO, *et al.*
Title: **CARBOHYDRATE LIBRARY CONSTRUCTED BY GENE
ALTERATION OF CARGO RECEPTORS**
Appl. No.: 10/525,020
Filing Date: 2/18/2005
Examiner: Sue Liu
Art Unit: 1639



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INTERVIEW SUMMARY

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Pursuant to a request from Examiner Sue Liu, applicants submit this summary of a telephonic interview conducted on February 21, 2006, between Examiner Liu and Yang Tang, regarding the above-captioned application.

Response to Election/Restriction

Examiner Liu put forward the following restriction requirement: Group 1 (claims 14-18), drawn to eukaryotic cells comprising heterologous DNA coding for a cargo receptor; Group 2 (claims 19 and 20), drawn to a method for producing a glycoprotein; and Group 3 (claim 21), drawn to a method for screening for a test substance. In the course of the interview, applicants elected Group 1, claims 14-18, with traverse.

According to Examiner Liu, the fact that the art was aware of the "special technical feature" of Group 1, which she identifies as heterologous DNA coding for a cargo receptor, is evidenced by Appenzeller *et al.* of record. Applicants respectfully disagree.

The Appenzeller publication describes a mutation that is not introduced into the carbohydrate-recognition region of cargo receptor. Further, the publication does not disclose the use of mutated cargo receptors for expression of glycoproteins. By contrast, the claimed invention is

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related to eukaryotic cells comprising heterologous DNA coding for a cargo receptor *with an alteration of its carbohydrate recognition domain*. Thus, Appenzeller in no way suggests the special technical feature of Group 1.

For this reason, applicants request that Examiner Liu withdraw the aforementioned restriction, at least as to Groups 1 and 3. The Examiner also has acknowledged that, where applicants elect claims directed to a product, and a product claim subsequently is found allowable, then withdrawn process claims will be rejoined that depend from or incorporate the allowed product claim.

Response to Species Election

Examiner Liu further requested that applicants elect a species characterized in terms of (A) a specific cargo receptor and (B) a particular glycoprotein. To this end, applicants initially elected the species characterized by ERGIC-53 for cargo receptor and membrane-bound protein for glycoprotein.

Examiner Liu confirmed Applicants' request in a voice mail of March 1, 2006 to change the species election to VIP36 for cargo receptor and to maintain the election of membrane-bound protein for glycoprotein. Elected claims 14, 15, and 16 read on the elected species.

Again, the Examiner has acknowledged that, upon the allowance of a generic claim, applicants will be entitled to consideration of coverage for a reasonable number of additional species as provided by 37 CFR 1.141.

In keeping with the February 21st interview, applicants understand that Examiner Liu will address this response in a first action on the merits, to follow.

Respectfully submitted,

Date

March 2, 2006

By

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